

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

vs.

JOHN DAVID KOLBERG (1)

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CASE NO. 6:02-CR-30-JDK

ORDER ADOPTING REPORT AND RECOMMENDATION
ON REVOCATION OF SUPERVISED RELEASE

The Court referred a petition alleging violations of supervised release conditions to United States Magistrate Judge K. Nicole Mitchell at Tyler, Texas, for consideration pursuant to applicable laws and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

At the close of the November 29, 2021 revocation hearing, Defendant and defense counsel signed a standard form waiving the right to object to the proposed findings and recommendations contained in the United States Magistrate Judge's Report, consenting to revocation of supervised release and consenting to the imposition of the sentence recommended in the Report. Counsel for the government orally waived the right to object to the Report. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the Report and Recommendation immediately.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the Report of the Magistrate Judge is **ADOPTED**. It is therefore

ORDERED that Defendant's plea of true to Allegation 1 in the petition is **ACCEPTED**. Based upon Defendant's plea of true to Allegation 1 in the petition, the Court finds that Defendant violated the conditions of his supervised release. It is further

ORDERED that John David Kolberg's supervised release is **REVOKED**. Judgment and commitment will be entered separately, in accordance with the Magistrate Judge's recommendations. It is finally

ORDERED that Defendant be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months and 1 day with no further supervised release. The Court recommends service of sentence at FMC Ft. Worth.

So **ORDERED** and **SIGNED** this **30th** day of **November, 2021**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE